

Rejections Under 35 USC 103(a)

Claims 1, 2, 4-14, 40, 42, and 44-53 were rejected under 35 USC 103(a) as being unpatentable over Patel et al (US 6,158,862) in view of Patel (US 5,252,262). For the following reasons, the Examiner's rejection is respectfully traversed.

The primary reference, Patel et al, discloses a multifocal ophthalmic lens (i.e., intraocular lens) having a dye or dyes that block the transmission of near UV and/or blue light (col. 2, lines 49-51). As stated by Patel et al, the objects of their invention is to provide a multifocal ophthalmic lens that reduces glare or halos and to provide a multifocal ophthalmic lens containing a near UV and/or blue light blocking dye or dyes (col. 2, lines 52-57). This primary reference teaches how to reduce or eliminate the glare and halos associated with multifocal optics by filtering shorter wavelengths, namely by incorporating one or more near UV and/or blue light blocking dyes (cols. 3 and 4). **FIG.1** of Patel et al shows schematically a **lens without haptics**. It is very likely that lens 10 is a contact lens (i.e., ophthalmic lens) or only the optic of an intraocular lens. **FIG.2** of Patel et al illustrates schematically an intraocular lens with haptics. However, Patel et al does not disclose nor suggest anything about a monolithically produced intraocular lens with haptics. Applicants respectfully disagree with the Examiner's statement about that Patel et al discloses a monolithically produced intraocular lens with haptics, since no phrase such as "monolithically produced", "integrally formed", "casting as a single piece, or the like can be found in the primary reference (US 6,158,862). Furthermore, Patel et al fails to disclose a coating on at least the distal portions of the haptics. In addition, Patel et al does not disclose nor suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue. Applicants respectfully submit that the pending claims are patentable over Patel et al.

The secondary reference, Patel '262, teaches a non-monolithically produced intraocular lens with haptics, wherein the haptic is first formed separately from the optic and then attached to the optic by using laser welding (col. 4, 21-57). The secondary reference (Patel '262) does not fill the gaps left by the primary reference. Furthermore, although Patel discloses how to use a clear sheath surrounding a colored core to minimize any possible leaching of the pigment in the colored core, Patel does not disclose nor suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. Applicants respectfully submit that the pending claims are patentable over Patel, alone or in combination with the primary reference.

In sum, Applicants submit that none of the two cited references discloses or suggests anything about a monolithically produced intraocular lens with haptics, anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue, and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. Applicants further submit that the cited references would not motivate one skilled in the art to combine teachings of the cited reference to arrive at the present invention. Applicants respectfully submit that the pending claims are patentable over Patel et al (the primary reference) in view of Patel (the secondary reference) and respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

Claims 15-17, 19-22, and 43 were rejected under 35 USC 103(a) as being unpatentable over Patel et al and Patel ('262) as applied to claims 1, 2, 4-14, 40, 42, and 44-53 set forth in the office action, and further in view of Cumming (US 5,047,051). For the following reasons, the examiner's rejection is respectfully traversed.

As discussed above, Patel et al and Patel ('262), alone or in combination with each other, do not teach the applicant's invention as claimed and the pending claims are patentable over these two references.

Like Patel et al and Patel ('262), Cumming does not disclose nor suggest anything about a monolithically produced intraocular lens with haptics, anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue, and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. Thus, Cumming does not fill the gaps left by the other two references.

In sum, Applicants submit that none of the three cited references, alone or in combination, would motivate one skilled in the art to combine teachings of the cited references to arrive at the present invention. Applicants respectfully submit that the pending claims are patentable over the three cited references and respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

Claims 1, 2, 4-7, 9-15, 40, 42, and 44-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Poler (US 4,402,579) in view of Patel et al (US 5,252,262). For the following reasons, the Examiner's rejection is respectfully traversed.

Poler discloses an integrally formed intraocular lens and a technique of the making the same, using sheet material as the only ingredient of the ultimate product. However, Poler

does not disclose nor suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue, and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. As discussed above, Patel ('262) fails to disclose or suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue. What Patel ('262) discloses is that Haptic 20 may have a colored core 30 surrounded by a clear sheath 40 which is used to minimize any possible leaching of the pigment in the colored core (col. 4, lines 29-34), and that haptic 20 may be made of any of a number of thermoplastics such as PMMA, polypropylene, polyimides and polyvinylidene difluoride (col. 4, lines 45-48). Like Poler, Patel ('262) does not disclose nor suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue, and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. The motivation to modify the prior art must flow from some teaching in the art that suggests the desirability or incentive to make the modification needed to arrive at the claimed invention. See *In re Napier*, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995); *In re Geiger*, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987); *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d 1397, 1399 (Fed. Cir. 1989); *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Applicants respectfully submit that since there is no motivation in Poler or in Patel ('262) that suggests the desirability or incentive to make the modification needed to arrive at the claimed invention, a *prima facie* case of obviousness can not be established. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

Claims 16, 19-22, and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Poler and Patel ('262) as applied to claims 1, 2, 4-7, 9-15, 40, 42, and 44-53 set forth in the Office Action, and further in view of Cumming (US 5,047,051). For the following reasons, the Examiner's rejection is respectfully traversed.

Like Poler and Patel ('262), Cumming does not disclose nor suggest anything about the fibrosis promotion effects on the anchoring of the haptics to the surrounding tissue, and anything about how to apply a coating of polyimides onto the haptics to achieve a better anchoring of the haptics to the surrounding tissue. Applicants respectfully submit that since none of the cited references, alone or in combination, would provide any motivation for making the necessary changes to its disclosure to arrive at the claimed invention, a *prima*


facie case of obviousness can not be established. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

In summary, Applicants submit that pending claims are not obvious over the cited references, since none of the cited references, alone or in combination with others, teaches or suggests anything about the Applicants invention, and since none of the cited references, alone or in combination with others, provide any motivation for making the necessary changes to its disclosure to arrive at the claimed invention. Applicants respectfully request reconsideration and withdrawal of the claim objections and rejections set-forth in the Office Action and allowance of the pending claims.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned.

Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent & Trademark Department, 564 Morris Ave., Summit, NJ 0790-1027. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,


Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date:

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Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901

Version with Markings to Show Changes Made

In the claims:

Please amend claim 44 as follows:

44. (Once amended) The device of claim 40, wherein the polyimide coating is formed by applying a photocurable polyimide pre-cursor on the core of the haptic, and then curing the polyimide pre-cursor.